

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------|---|--------------------------------------|
| In re: | : | |
| | : | Case No.: 17-10793-jkf |
| Janie Frost | : | Chapter 13 |
| | : | Judge Jean K. FitzSimon |
| Debtor(s) | : | ***** |
| | : | |
| Wells Fargo Bank, NA | : | Date and Time of Hearing |
| | : | Place of Hearing |
| vs | : | December 6, 2017 at 09:30 a.m |
| | : | |
| Janie Frost | : | U.S. Bankruptcy Court 900 |
| | : | Market Street, Courtroom #3 |
| Trustee | : | Philadelphia, PA, 19107 |
| Frederick L. Reigle | : | |
| Respondents. | : | |

MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO BANK, NA TO FORECLOSE ON 2609 SOUTH 11TH STREET,
PHILADELPHIA, PA 19148

Wells Fargo Bank, NA (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Janie Frost ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on February 3, 2017, ("Petition").

5. Debtor is currently obligated to Wells Fargo Bank, NA , under the terms of a certain Note, dated March 12, 2010, in the original principal amount of \$185,576.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain FHA Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, NA , with respect to certain real property owned by the Debtor located at 2609 South 11th Street, Philadelphia, PA 19148 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 52189289 on March 22, 2010 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

8. Debtor has failed to make post-petition mortgage payments for the past 9 months, as of November 3, 2017.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The principal loan balance and the amount past due to Wells Fargo Bank, NA in post-petition arrearages are \$180,201.80 and \$12,600.45, respectively, as of November 3, 2017.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, NA in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, NA respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, NA in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Adam B. Hall

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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| Trustee | : | Philadelphia, PA, 19107 |
| Frederick L. Reigle | : | |
| Respondents. | | |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, NA to foreclose on 2609 South 11th Street, Philadelphia, PA 19148 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

Frederick L. Reigle, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Avenue,
P.O. Box 4010, Reading, PA 19606

Brad J. Sadek, Attorney for Janie Frost, Sadek and Cooper, 1315 Walnut Street, Suite 502,
Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on November 9, 2017:

Janie Frost, 2609 S. 11 Street, Philadelphia, PA 19148

Janie Frost, 2609 South 11th Street, Philadelphia, PA 19148

DATE: 11/09/2017

/s/ Adam B. Hall

Karina Velter, Esquire (94781)

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